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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,047	09/26/2003	Larry A. Lincoln	6555/53784	8061
30505	7590	07/27/2005	EXAMINER	
MARK J. SPOLYAR 38 FOUNTAIN ST. SAN FRANCISCO, CA 94114			SMITH, SHEILA B	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,047

Applicant(s)

LINCOLN ET AL.

Examiner

Sheila B. Smith

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Rhoads (U.S.

Patent Publication Number 2002/0029253).

Regarding claim 1, Rhoads discloses essentially all the claimed invention as set forth in the instant application, further Rhoads discloses a network linking method using information embedded in data objects that have inherent noise. In addition Rhoads discloses a method for receiving promotional messages comprising: capturing an image of a message carrier on a display screen (which reads on paragraph 0095 and figure 13); processing the image to acquire a message code from the message carrier (which reads on paragraph 0095); transmitting the message code to a remote system (which reads on paragraph 0349); and receiving a promotional message based on the transmitted message code (which reads on paragraph 0350).

Regarding claim 2, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose processing the image comprises: reading intensity values for pixels forming the image; locating the message carrier by analyzing the intensity values, locating the message code within the message carrier; and reading intensity values for pixels forming the message code to acquire the message code (which reads on paragraph 0148-0150).

Regarding claim 3, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose processing the image comprises: transmitting the image to a second remote system; reading intensity values for pixels forming the image at the second remote system; locating the message carrier by analyzing the intensity values at the second remote system; locating the message code within the message carrier at the second remote system; reading intensity values for pixels forming the message code to acquire the message code at the second remote system; and receiving the message code from the second remote system (which reads on paragraph 0148-0150).

Regarding claim 4, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the intensity values are read by scanning substantially vertical columns of pixels forming the image (which reads on paragraph 0338).

Regarding claim 5, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose locating the message carrier comprises analyzing the scanned vertical columns of pixels to identifying one or more transitions between dark-colored regions and light-colored regions (which reads on paragraph 0338).

Regarding claim 6, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose locating the message carrier comprises analyzing the scanned vertical columns of pixels to identify a dark-colored border (which reads on paragraph 0338).

Regarding claim 7, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the remote system comprises a remote server having a database containing promotional messages (which reads on paragraph 0338).

Regarding claim 8, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the promotional message comprises an electronic coupon that can be used at a point-of-sale terminal (which reads on paragraph 0338)

Regarding claim 9,10, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the message code is transmitted to the remote (which reads on paragraph 0148-0150)

Regarding claim 11, 12, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the promotional message is received over a wireless network (which reads on paragraph 0148-0150).

Regarding claim 13, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the message carrier comprises: an identifying g border; and the message code (which reads on paragraph 0338).

Regarding claim 14, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose one or more transitions between dark-colored regions and light-colored regions (which reads on paragraph 0338).

Regarding claim 15, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose message code is formed using a plurality of blocks (which reads on paragraph 0338).

Regarding claim 16, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the message code comprises text codes, graphical symbols, or an alphanumeric string (which reads on paragraph 0148-0150).

Regarding claim 17, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the message code is formed using a checkerboard-like design (which reads on paragraph 0338).

Regarding claim 18, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the message code is formed using a vertical strip design (which reads on paragraph 0338).

Regarding claim 19, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the identifying border is over-sized to increase the probability that a column of pixels will pass through the entire border (which reads on paragraph 0338).

Regarding claim 20, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose a method for pushing promotional messages to users comprising: displaying a message carrier on a display screen (which reads on paragraph 0095); receive a message code from a user, wherein the message code was acquired from the message carrier (which reads on paragraph 0095); and pushing a promotional message to the user based on the received message code (which reads on paragraph 0350).

Regarding claim 21, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the message carrier comprises: an identifying border; and the message code (which reads on paragraph 0148-0150).

Regarding claim 22, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the message carrier further comprises one or more transitions between dark-colored regions and light-colored regions (which reads on paragraph 0148-0150).

Regarding claim 23, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the message code is formed using a plurality of blocks (which reads on paragraph 0148-0150).

Regarding claim 24, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the message code is formed using a plurality of text codes (which reads on paragraph 0148-0150).

Regarding claim 25, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the message code is formed using a plurality of graphical symbols (which reads on paragraph 0148-0150).

Regarding claim 26, 27, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the message code is received over a wireless network (which reads on paragraph 0148-0150).

Regarding claim 28, 29, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the promotional message is pushed over a wireless network (which reads on paragraph 0148-0150).

Regarding claim 30, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose a apparatus for receiving promotional messages comprising: a display (700); a digital image capturing device (940) (which reads on figure 22 and paragraph 0384); a wireless communication system (200); a processor (202); a memory (214); and a client application. physically stored in the memory, for receiving promotional messages (which reads on paragraph 0057), comprising instructions operable to cause the processor and the wireless communication system to: capture an image of a message carrier using the digital image

Art Unit: 2681

capturing device (which reads on paragraph 0140-0150); process the image to acquire a message code from the message carrier; transmit the message code to a remote system using the wireless communication system' and receive a promotional message using the wireless communication system based on the transmitted message code (which reads on paragraph 0384 and figure 22).

Regarding claim 31, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the instructions to process the image further comprise instructions operable to cause the processor to: read intensity values for pixels forming the image; locate the message carrier by analyzing the intensity values; locate the message code within the message carrier and read intensity values for pixels forming the message code to acquire the message code (which reads on paragraph 0148-0150).

Regarding claim 32, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the intensity values are read by scanning substantially vertical columns of pixels forming the image (which reads on paragraph 0338).

Regarding claim 33, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the instructions to locate the message carrier comprise instructions operable to cause the processor and the wireless communication system to analyze the scanned vertical columns of pixels to identifying' one or more transitions between dark-colored regions and light-colored regions (which reads on paragraph 0338).

Regarding claim 34, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the instructions to locate the message carrier comprise instructions operable to cause the processor and the wireless communication system to analyze the scanned vertical columns of pixels to identifying' a dark-colored border (which reads on paragraph 0338).

Regarding claim 35, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the remote system comprises a remote server having a database containing promotional messages (which reads on paragraph 0148-0150).

Regarding claim 36, 37, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the message code is transmitted to the remote System over a Wireless network (which reads on paragraph 0148-0150).

Regarding claim 38, 39, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the promotional message is received over a wireless network (which reads on paragraph 0148-0150).

Regarding claim 40, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the message carrier comprises: an identifying g border; and the message code (which reads on paragraph 0338).

Regarding claim 41, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the message code is formed using a plurality of blocks (which reads on paragraph 0338).

Regarding claim 42, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the message code comprises text codes, graphical symbols, or an alphanumeric string (which reads on paragraph 0148-0150).

Regarding claim 43, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the message code is formed using a checkerboard-like design (which reads on paragraph 0338).

Regarding claim 44, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the message code is formed using a vertical strip design (which reads on paragraph 0338).

Regarding claim 45, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the identifying border is over-sized to increase the probability that a column of pixels will pass through the entire border (which reads on paragraph 0338).

Regarding claim 46, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the identifying border comprises a dark- colored border around at least a portion of the message code (which reads on paragraph 0148-0150).

Regarding claim 47, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the identifying border comprises one or more transitions between dark-colored regions and light-colored regions (which reads on paragraph 0338).

Regarding claim 48, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose receiving promotional messages comprising: a display (700); a digital image capturing device (940) (which reads on figure 22 and paragraph 0384); a wireless communication system (200); a processor (202); a memory (214); and a client application. physically stored in the memory, for receiving promotional messages (which reads on paragraph 0057), comprising instructions operable to cause the processor and the wireless communication system to: capture an image of a message carrier using the digital image capturing device; transmit the image to an image processing system using the wireless receive a message code from the image processing system based on the communication system (which reads on paragraph 0148 - 0150); transmitted image; transmit the message code to a promotional message

Art Unit: 2681

system using the wireless communication system; and receive a promotional message from the promotional message system based on the transmitted message code (which reads on paragraph 0384 and figure 22).

Regarding claim 49, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the image processing system is configured to: receive the image; read intensity values for pixels forming the image; locate the message carrier by analyzing the intensity values; locate the message code within the message carrier read intensity values for pixels forming the message code to acquire the message code, and transmit the message code (which reads on paragraph 0338).

Regarding claim 50, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose receiving promotional messages comprising: a display (700); a digital image capturing device (940) (which reads on figure 22 and paragraph 0384); a wireless communication system (200); a processor (202); a memory (214); and a client application. physically stored in the memory, for receiving promotional messages (which reads on paragraph 0057), comprising instructions operable to cause the processor and the wireless communication system to: capture an image of a message carrier using the digital image capturing device; transmit the image to a remote system using the wireless communication system; and receive a promotional message from the remote system based on the transmitted image (which reads on paragraph 0384 and figure 22).

Regarding claim 51, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the remote system is configured to: receive the image; read intensity values for pixels forming the image locate the message carrier by analyzing the

Art Unit: 2681

intensity values; locate the message code within the message carrier read intensity values for pixels forming the message code to acquire the message code; transmit a promotional message based on the message code (which reads on paragraph 0148-0150).

Regarding claim 52, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose physically stored on a machine-readable medium. for receiving promotional messages, comprising instructions operable to cause a programmable processor to: capture an image of a message carrier using the digital image capturing device; process the image to acquire a message code from the message carrier.' transmit the message code to a remote system using the wireless communication system; and receive a promotional message using the wireless communication system based on the transmitted message code (which reads on paragraph 0057 and figure 6).

Regarding claim 53, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the instructions to process the image further comprise instructions operable to cause a programmable processor to: read intensity values for pixels forming the image; locate the message carrier by analyzing the intensity values; locate the message code within the message carrier; and read intensity values for pixels forming the message code to acquire the message code (which reads on paragraph 0148-0150).

Regarding claim 54, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose means for capturing an image of a message carrier on a display screen; means for processing the image to acquire a message code from the message carrier; means for transmitting the message code to a remote system; and means for receiving a

Art Unit: 2681

promotional message based on the transmitted message code (which reads on paragraph 0148-0150 and figure 13).

Regarding claim 55, Rhoads discloses everything claimed, as applied above (see claim 1) additionally, Rhoads disclose the means for processing the image further comprise: means for reading intensity values for pixels forming the image.' means for locating the message carrier by analyzing the intensity values; means for locating the message code within the message carrier; and means for reading intensity values for pixels forming the message code to acquire the message code (which reads on paragraph 0338).


Art Unit: 2681

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith 
July 20, 2005


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER